

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE: 06-096 CMR 584, Surface Water Quality Criteria for Toxic Pollutants

STATUTORY AUTHORITY: 38 MRSA, 341-H, 420, and 464

DATE AND PLACE OF PUBLIC HEARING: November 1, 2011, 9:30 am, MEDEP Response Services Training Room, 4 Blossom Lane, Augusta, ME 04330

COMMENT DEADLINE: December 1, 2011

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

This rule revision was initiated pursuant to P.L. 2011, c. 194 (LD 515), *An Act to Review State Water Quality Standards*, and at the request of the Joint Standing Committee on Environment and Natural Resources. This rule revision changes the cancer risk level for inorganic arsenic used in calculating ambient water quality (human health) criteria and establishes revised inorganic arsenic criteria accordingly. Further, this revision updates Maine's ambient water quality and human health criteria for pollutants for which USEPA has updated criteria since Maine's last revision in 2005, using Maine-specific parameters where applicable.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

This action revises an existing Maine rule (06-096 CMR 584, effective date October 9, 2005) with an original effective date of May 17, 1993. The original rule was established in response to amendments to the Federal Clean Water Act in 1987 and amendments to 38 MRSA, Section 420 enacted in 1991, both of which required Maine to develop comprehensive rules dealing with toxic pollutants in licensed wastewater discharges. The Department established and has managed a surface waters toxics control program since the effective date of the original rule. The Department anticipates that the revised rule will operate successfully within the Department's existing program.

FISCAL IMPACT OF THE RULE:

A Cost Benefit Analysis has been determined unnecessary at this time. This rule revision is anticipated to result in no increased costs to the regulated community and no appreciable increased costs to the Department. It is mandated by law and may result in less regulatory burdens on the regulated community.

FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

Note: If necessary, additional pages may be used.